

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

REFUGIO VALADEZ,	)	8:10CV154
	)	
Petitioner,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
FRED BRITTEN,	)	
	)	
Respondent.	)	

This matter is before the court on Petitioner's Motion for Recusal. (Filing No. [4](#).) In his Motion, Petitioner requests that the undersigned judge recuse himself from this matter because "Petitioner is attacking his conviction and sentence in state court," and the undersigned judge's brother, Douglas County, Nebraska District Judge Peter Bataillon, was the state court judge who presided in that matter. (*Id.* at CM/ECF p. 2.) As set forth in [28 U.S.C. 455\(a\)](#), "[a]ny . . . judge . . . of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."

For good cause shown, the undersigned judge recuses himself from this matter pursuant to [28 U.S.C. § 455\(a\)](#). Thus, the Motion is granted and the court will direct the Clerk of the court to reassign this matter to another judge.

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion for Recusal (filing no. [4](#)) is granted.
2. The Clerk of the court is directed to reassign this matter to another judge.

DATED this 7<sup>th</sup> day of May, 2010.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge

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